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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/994,387	11/26/2001	Victoria I. Pettigrew	PET1P005	7268
28875	7590	06/10/2004	EXAMINER	
SILICON VALLEY INTELLECTUAL PROPERTY GROUP P.O. BOX 721120 SAN JOSE, CA 95172-1120			PHAN, HAU VAN	
			ART UNIT	PAPER NUMBER
			3618	

DATE MAILED: 06/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1.3

Office Action Summary

Application No.

09/994,387

Applicant(s)

PETTIGREW ET AL.

Examiner

Hau V Phan

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8,10-17,19,21-23 and 26-29 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1-6,8,10-17,19,21-23 and 26-29 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Acknowledgment

1. The amendment filed on 3/30/2004 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the multiple layers include non-adhesive members coupled thereto must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Duer (5,429,377) in view Mencarelli et al. (5,348,360) and Jaffri (6,449,794).**

Duer, in figures 1, 28-32 and 58, discloses a shopping cart grip sanitary cover system comprising a shopping cart including a basket portion (not number) having a bottom and a plurality of sides coupled thereto and extending upwardly therefrom for defining an interior space for storing articles therein. The shopping cart also includes a plurality of wheels coupled to the bottom of the shopping cart for transporting the shopping cart and a handle assembly including vertical posts with inboard ends coupled to the sides of the shopping cart and extending upwardly and rearwardly therefrom. The handle also includes a substantially horizontal handle coupled to outboard ends of the posts. Duer also discloses a plurality of sanitary covers (95) each including multiple flexible elastomeric layers (97) of a similar size and shape having a rectangular configuration with a smooth top face, a smooth bottom face and a rectangular periphery formed therebetween. The bottom of each layer have adhesive formed thereon for adhering to a top face of an adjacent layer. The layer stacked with a bottommost layer having a non-adhesive covering on the bottom face thereof for protecting the adhesive of the bottommost layer. Duer further discloses a dispensing container (171) with a substantially rectangular configuration including a bottom face, a top face and a plurality of side faces formed therebetween for defining an interior space for storing sanitary covers. The top face of the dispensing container includes an opening for dispensing the sanitary covers therefrom. Whereby the sanitary covers are each dispendable from the dispensing container and the non-adhesive covering is removable for attachment of the adhesive of the bottommost layer to the handle of the shopping cart. The elastomeric layers include a series of layers of the secondary sanitary covering. The individual

sheets are lightly tacked or secured to the sanitary wrapping by a series of light tackings using glue impregnations (99) at the corners of the individual sheets. The individual sheets include a top layer, which is removable for exposing another layer therebeneath (col. 17, lines 33-39 and col. 16, lines 38-65) for providing a sanitary surface for being gripped by the user. Duer fails to show the bottommost layer having a non-adhesive member and the multiple layers including non-adhesive members coupled thereto.

Mencarelli et al. in figure 7 disclose a replaceable cushioned gripping device for the handle comprising a cover having a multiple layers. The multiple layers include a top layer, a bottommost layer. The bottommost layer includes a non-adhesive covering (34), which is removably for attachment of the adhesive of the bottommost layer to the grip of the handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shopping cart grip sanitary cover system of Duer with the replaceable cushioned gripping device for the handle having a non-adhesive layer as taught by Mencarelli et al. in order to protect the adhesive layer before the cover covering the cart handle.

Faffri in figures 1-3, teaches a link roller comprising a roller (11) having multiple layers (3). The multiple layers include non-adhesive members (15) coupled therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shopping cart grip sanitary cover system of Duer with addition of non-adhesive member coupled multiple layers as taught by Faffri in order to facilitate easy removable of the multiple layers.

5. Claims 2-6, 8, 10-17, 19, 21-23 and 26-29 rejected under 35 U.S.C. 103(a) as being unpatentable over Duer (5,429,377) in view of Jeffri (6,449,794).

Duer in figures 28-37 discloses sanitary protective covers and method for providing a sanitary surface on a grip of a cart use including multiple layers (97, as shown in figures 29, 31) of a substantially similar size and shape, each with a top face, a bottom face, and a periphery formed therebetween. The bottom face of each layer has adhesive formed thereon for adhering to the top face of an adjacent layer (col. 16, lines 46-53). The multiple layers stacked with a bottommost layer (101) attachable to a handle (103) via the adhesive. Wherein the topmost layer of the sanitary cover is removable for exposing another layer therebeneath for providing a sanitary surface to be gripped by a user (as shown in figures 29, 31), where multiple users are capable of using the cover which remains attached to the grip of the handle. Duer also disclose a non-adhesive covering or single sheet of durable sheet material such as paper or plastic sheet (col. 17, lines 32-50), which is removed from the bottom face of the bottommost layer of the cover. The non-adhesive covering being removable for exposing of the adhesive of the bottommost layer of the cover to be used to secure to the grip of the handle (col. 16, lines 38-42). Wherein the multiple layers (97) include a series of layers of the secondary sanitary covering (figures 29, 31). The individual sheets are not adhesive and are lightly tacked or secured to the sanitary wrapping by a series of light tackings using glue impregnations (99) at the corners of the individual sheets. The individual sheets include a top layer, which is removable for exposing another layer therebeneath (col. 17, lines 33-39 and col. 16, lines 38-65) for providing a sanitary

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surface for being gripped by the user. Duer fails to show the multiple layers including non-adhesive members coupled thereto.

Faffri in figures 1-3, teaches a link roller comprising a roller (11) having multiple layers (3). The multiple layers include non-adhesive members (15) coupled therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shopping cart grip sanitary cover system of Duer with addition of non-adhesive member coupled multiple layers as taught by Faffri in order to facilitate easy removable of the multiple layers.

Regarding claims 3-6 and 14-17, Duer discloses the layers, which are flexible, formed of an elastomeric material, have a rectangular configuration, have an area substantially similar to an area of the grip of the cart and have a substantially similar shape and size.

Regarding claims 8 and 19, Duer discloses the layers (97), which are stacked so that the peripheries thereof are in alignment.

Regarding claim 10, Duer discloses the cart grip sanitary cover for a shopping cart having a dispensing unit (171). The dispensing unit includes an opening (figure 58).

Regarding claims 11 and 22, Duer discloses a dispensing container (171) for storing a plurality of the sanitary covers. The dispensing container includes an opening for dispensing the sanitary cover therefrom.

Regarding claims 12 and 23, Duer discloses the cart including a shopping cart (179).

Regarding claim 26, Duer discloses the bottom face of each layer having the adhesive, which is formed on an entire surface thereof or each of the layer is lightly tacked with the adhesive on the bottom surface.

Regarding claims 27-29, Duer discloses the layer having sufficient thickness and durability to offer complete temporary protection from contact with the handle of the shopping cart and a combined flexibility and resiliency that will allow the cover to be easily and conveniently wrapped and secured to the handle. Therefore, the thickness of each layer could be less than 1/16, 1/32 or 1/64.

6. Claims 2 and 13 are alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Duer (5,429,377) in view Mencarelli et al. (5,348,360) and Jaffri (6,449,794).

Duer in figures 28-37 discloses sanitary protective covers and method for providing a sanitary surface on a grip of a cart use including multiple layers (97, as shown in figures 29, 31) of a substantially similar size and shape, each with a top face, a bottom face, and a periphery formed therebetween. The bottom face of each layer has adhesive formed thereon for adhering to the top face of an adjacent layer (col. 16, lines 46-53). The multiple layers stack with a bottommost layer (101), attachable to a handle (103), via the adhesive. Wherein the topmost layer of the sanitary cover is removable for exposing another layer therebeneath for providing a sanitary surface to be gripped by a user (as shown in figures 29, 31), where multiple users are capable of using the cover which remains attached to the grip of the handle. Duer fails to show the

bottommost layer having a non-adhesive member and the multiple layers including non-adhesive members coupled thereto.

Mencarelli et al. in figure 7, teach a replaceable cushioned gripping device for the handle comprising a cover having a multiple layers. The multiple layers include a top layer, a bottommost layer. The bottommost layer includes a non-adhesive covering (34), which is removably for attachment of the adhesive of the bottommost layer to the grip of the handle. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shopping cart grip sanitary cover system of Duer with the replaceable cushioned gripping device for the handle having a non-adhesive layer as taught by Mencarelli et al. in order to protect the adhesive layer before the cover covering the cart handle.

Faffri in figures 1-3, teaches a link roller comprising a roller (11) having multiple layers (3). The multiple layers include non-adhesive members (15) coupled therein. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the shopping cart grip sanitary cover system of Duer with addition of non-adhesive member coupled multiple layers as taught by Faffri in order to facilitate easy removable of the multiple layers.

Response to Arguments

7. Applicant's arguments with respect to claims 1-6, 8,13-17, 19 and 26 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hau V Phan whose telephone number is 703-308-2084. The examiner can normally be reached on 7:30AM-4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Johnson can be reached on 703-308-0885. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HP

Hau Phan
5/28/04

HAU PHAN
PATENT EXAMINER